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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**
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8 CURTIS FREEMAN, JR, an individual,)

Case No.: 2:10-cv-00254-RLH-PAL

9 Plaintiff,)

ORDER

10 vs.)

(Motion to Dismiss—#9)

11 ADT SECURITY SERVICES, INC., a)
Delaware Foreign Corporation,,)

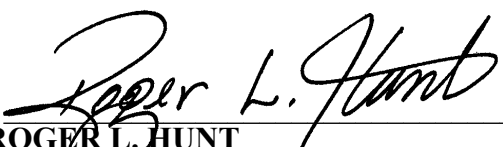
12 Defendant.)
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14 Before the Court is Defendant ADT Security Services, Inc.'s **Motion to Dismiss**
15 **Plaintiff's Complaint** (#9), filed April 7, 2010. Plaintiff did not file an opposition to the Motion.
16 Instead, Plaintiff filed a First Amended Complaint on April 21, 2010, within 21 days after service
17 of the Motion. Plaintiff thus amended his Complaint as of right, and as provided by Rule
18 15(a)(1)(B) of the Federal Rules of Civil Procedure. Defendant has since filed a motion to dismiss
19 the First Amended Complaint (#17) that is not yet ripe for decision.

20 Accordingly, and for good cause appearing,

21 IT IS HEREBY ORDERED that ADT Security Services, Inc.'s Motion to Dismiss
22 Plaintiff's Complaint (#9) is DENIED as moot.

23 Dated: June 15, 2010.

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26 **ROGER L. HUNT**
Chief United States District Judge